

FILED

NOV - 8 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 BINGHAM McCUTCHEN LLP
DAVID M. BALABANIAN (SBN 37368)
2 CHRISTOPHER B. HOCKETT (SBN 121539)
JOY K. FUYUNO (SBN 193890)
3 Three Embarcadero Center
San Francisco, CA 94111-4067
4 Telephone: (415) 393-2000
Facsimile: (415) 393-2286

5 Attorneys for Defendant
6 Intel Corporation

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 JOSE JUAN, on behalf of himself and all
others similarly situated,

13 Plaintiff,

14 v.

15 INTEL CORPORATION, a Delaware
corporation,

16 Defendant.
17

No. C-05-3271-MHP

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO STAY DATES, EVENTS
AND DEADLINES PENDING THE
OUTCOME OF THE MOTION TO
TRANSFER AND COORDINATE OR
CONSOLIDATE PURSUANT TO
28 U.S.C. § 1407**

18
19 WHEREAS, on August 10, 2005, Plaintiff filed the instant action in the Northern
20 District of California ("Juan Action");

21 WHEREAS, on or about July 11, 2005, the plaintiffs in *Brauch, et al. v. Intel*
22 *Corp.*, No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the
23 Judicial Panel on Multi-District Litigation ("MDL"), to transfer and coordinate or consolidate for
24 pre-trial proceedings pursuant to 28 U.S.C. § 407 ("MDL Motion"), and the Juan Action has
25 been identified as a related action subject to that motion;
26

SF/21642115.1

Canc No. C 05-3271 (MHP)

STIPULATION AND ~~[PROPOSED]~~ ORDER TO STAY DATES, EVENTS AND DEADLINES

1 WHEREAS, on or about September 29, 2005, Judge Patel issued a Related Case
2 Order relating this case to an earlier filed case assigned to her, and canceling or staying certain
3 but not all dates, events and deadlines in the action;

4 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

5 WHEREAS, the outcome of the MDL Motion will impact significantly the
6 schedule of this case;

7 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,
8 by and among counsel for Plaintiff Juan, and counsel for Defendant Intel Corporation, that any
9 events, dates or deadlines set by the Local Rules or Federal Rules of Civil Procedure, including
10 the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal Rules of
11 Civil Procedure 16 and 26, and any deadlines established in any case management order
12 applicable to this case should be stayed pending the outcome of the aforementioned MDL
13 Motion; and

14 IT IS FURTHER STIPULATED by the aforementioned parties that if a case
15 management conference is rescheduled by the Court, the parties shall adjust the dates for any
16 conference, disclosures or reports required by the Local Rules or Federal Rules of Civil
17 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26
18 accordingly.

19 IT IS HEREBY STIPULATED.

20 Dated: November 1, 2005

DRUMMOND & ASSOCIATES

21
22 By: /s/ Donald F. Drummond
23 Donald F. Drummond
24 Attorneys for Plaintiff
25 Jose Juan
26

1 Dated: November 1, 2005

BINGHAM McCUTCHEN LLP

3 By: /s/ Joy K. Fuyuno
4 Joy K. Fuyuno
5 Attorneys for Defendant
Intel Corporation

6 **[PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES**
7 **PENDING THE OUTCOME OF THE MDL MOTION**

8 Any events, dates or deadlines set by the Local Rules or Federal Rules of Civil
9 Procedure, including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules")
10 and Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case
11 management order applicable to this case are hereby stayed pending the outcome of the motion
12 to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion").

13 Upon the determination of the MDL Motion, if it is necessary for the Court to
14 reschedule a case management conference, the parties shall adjust the dates for any conference,
15 disclosures or reports required by the ADR Local Rules and Federal Rules of Civil Procedure 16
16 and 26 accordingly.

17 The parties shall notify the Clerk of Court within 10 days of the decision on the
18 MDL Motion.

19 **IT IS SO ORDERED.**

20 Dated: 11/7/05

21 
22 Honorable Marilyn H. Patel
23 United States District Court Judge
24
25
26